

REMARKS

Applicant has amended claim 15 to correctly depend from claim 14 as suggested by the examiner. Applicant respectfully traverses the rejection of the claims over patent 6,564,762 and respectfully requests reconsideration.

The '762 patent is a prior patent of the inventor of this above-identified application. The '762 patent issued less than a year before the filing date of this application and discloses applicant's own work as derived from him. MPEP 2132.01 states:

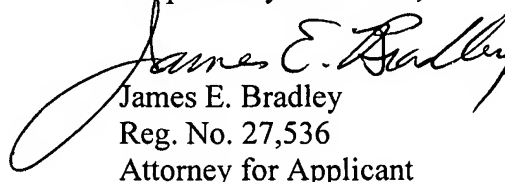
If the reference is disclosing applicant's own work as derived from him or her, applicant may submit either a 37 CFR 1.131 affidavit to antedate the reference or a 37 CFR 1.132 affidavit to show derivation of the reference subject matter from applicant and invention by applicant.

Applicant is therefore submitting a 37 CFR 1.132 affidavit. This should remove the '762 patent as a reference under 35 USC § 102.

Although the examiner has not rejected the claims on the basis of double-patenting, applicant is enclosing a Terminal Disclaimer such that any patent issuing on this application will expire on the same date as the patent of the reference and will be commonly owned by the same entity. Applicant respectfully submits that the application is now in condition for allowance.

Applicant is enclosing a check for \$55 for the terminal disclaimer. If any additional fees are due, please charge them to Bracewell & Patterson, L.L.P. deposit account 50-0259.

Respectfully submitted,


James E. Bradley
Reg. No. 27,536
Attorney for Applicant

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BRACEWELL & PATTERSON, L.L.P.
P. O. Box 61389
Houston, Texas 77208 1389
Tel.: (713) 221-3301
Fax: (713) 222-3287